



HOSPICE GUIDANCE FOR PARTIAL IMPLEMENTATION OF THE INTERSTATE NURSE LICENSURE COMPACT

August 2023

The Department of Health (Department) provides this guidance to address whether hospices can employ or contract with registered nurses (RNs) and licensed practical nurses (LPNs) holding an active multistate license (MSL).

Background

[Act 68 of 2021](#) authorizes the Commonwealth of Pennsylvania's entrance into the interstate Nurse Licensure Compact (Compact). Participation in the Compact allows a state to issue its resident nurses an MSL, which permits the licensee to practice in any other Compact state. In accordance with the [Pennsylvania Department of State](#), the Commonwealth is partially implementing the Compact by permitting RNs and LPNs residing in other Compact states and holding an active MSL (eligible MSL nurses) to practice in Pennsylvania.

To facilitate the partial implementation of the Compact, the Department has identified the statutory and regulatory requirements that may be a barrier and developed this guidance to address whether those requirements would prevent hospices seeking to utilize eligible MSL nurses.

In accordance with Section 806 of the Health Care Facilities Act, hospices are subject to federal regulatory standards. The following federal regulations have been identified as potential barriers to hospices:

42 C.F.R. § 418.3.

This federal regulation provides that a "licensed professional means a person licensed to provide patient care services by the State in which services are delivered."

42 C.F.R. § 418.62(a)

This federal regulation requires that licensed professional services be authorized, delivered, and supervised only by health care professionals who meet the appropriate qualifications specified under § 418.114 and who practice under the hospice's policies and procedures.

42 C.F.R. § 418.114(a)

This federal regulation requires that "all professionals who furnish services directly, under an individual contract or under arrangement with a hospice must be legally authorized (licensed, certified or registered) in accordance with applicable Federal, State and local laws, and must



act only within the scope of his or her State license, State certification, or registration.”

The above referenced federal regulations require that licensed professionals, including LPNs and RNs, must be licensed by the State they intend to provide services in. Therefore, hospices may not utilize MSL nurses because MSL nurses are licensed by their home state. If the Centers for Medicaid & Medicare Services (CMS), would issue interpretive guidance indicating MSL nurses to satisfy the above regulatory requirements, the Department will update this guidance accordingly.

MSL Compact Structured Exception Request Is Not Available for Hospices

MSL Compact structured exception requests are only available pursuant to the Department’s authority under 28 Pa. Code § 51.31, that authorizes the Department to grant exceptions to state regulations. Hospices currently operate only under statutory authority and federal regulations; and, therefore are not eligible to request exceptions.

Other Information

Facilities who want to verify the status of a nurse’s MSL can go to www.nursys.com, the National Council of State Boards of Nursing’s (NCSBN) central repository for licensing information, and click on “Quick Confirm.”

Hospices are required to maintain full or substantial compliance with all applicable regulations. The purpose of this document is to provide guidance to hospices on utilizing eligible MSL nurses and is not an exhaustive list of regulatory requirements. Nothing in this guidance should be construed as affecting or interpreting any Federal or State law or regulation outside of the Department’s jurisdiction that may limit the ability of hospices to utilize eligible MSL nurses.

Please contact the Division of Home Health if you have questions that are not addressed by the guidance. The Division of Home Health can be reached by email at ra-dhhomehealth@pa.gov.